

ROCHESTER CITY COUNCIL

REGULAR MEETING

February 16, 2010

Present - President Warren, Councilmembers Conklin, Haag, McFadden, Miller, Ortiz, Palumbo, Scott, Spaul, - 9.

Absent - None - 0.

The Council President requested the Council to rise for a Moment of Silence.

Pledge of Allegiance to the Flag of the United States of America.

Recognition Ceremony

Retirement:

DES

*Kenneth W. Hofer, Jr.

*Donald M. Lackey, Jr.

FIN

*James Kevin Branigan

LAW

*Barbara L. Giannavola

RFD

*Richard L. Mason

Stephen W. McClary

*Richard B. Miller

RPD

*Henry Bice, Jr.

*Robert J. Mattick

RPL

*Joyce Tiskovich

**Not attending meeting.*

APPROVAL OF THE MINUTES

By Councilmember Miller

RESOLVED, that the minutes of the Organizational Meeting of January 4, 2010 and the Regular Meeting of January 19, 2010 be approved as published in the official sheets of the Proceedings.

Passed unanimously.

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COMMUNICATIONS FROM THE MAYOR, COUNCIL PRESIDENT, CORPORATE OFFICERS AND OTHERS.

The following communications are hereby directed to be received and filed:

The Mayor submits the following:

Administrative Cancellation or Refund of Erroneous Taxes and Charges 4004-10
Public Disclosure - CDBG Participation 4005-10
Public Disclosure - HOME Participation 4006-10
Quarterly Reports 4007-10
Professional Services Agreements
Schedule of Revenues & Expenditures
Delinquent Receivables

THE COUNCIL PRESIDENT --- PRESENTATION AND REFERENCE OF PETITIONS AND REMONSTRANCES.

Non Presented.

PUBLIC HEARINGS.

Pursuant to law public hearing will now be had on the following matter:

Authorizing Amendatory Community Development Program Plans And An Agreement And Amending Ordinances For The New Beginnings Building Deconstruction Transitional Jobs Program Int. No. 58
No speakers.

REPORTS OF STANDING COMMITTEES
AND ACTION THEREON

By Councilmember Conklin
February 16, 2010

To the Council:

The Finance Committee recommends for Adoption the following entitled legislation:

Int. No. 42 - Cancellation Of Taxes And Charges

Int. No. 43 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Information Technology Advisory Services

Int. No. 44 - Local Law Amending The City Charter With Respect To Financial Disclosure Statements

Int. No. 45 - Establishing Maximum Compensation For A Professional Services Agreement For Federal Lobbying Services

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Int. No. 46 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Actuary Services

Int. No. 64 - Establishing Maximum Compensation For A Professional Services Agreement For Outplacement Services

Int. No. 65 - Amending The 2009-10 Budget For The 2% Reserve Fund

Int. No. 71 - Resolution Approving Appointment To The Municipal Civil Service Commission

Respectfully submitted,
Carolee A. Conklin
Jacklyn Ortiz
Loretta C. Scott
Lovely A. Warren (Did not vote on Int. No. 42)
Elaine M. Spaul
FINANCE COMMITTEE

Received, filed and published

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-35
Re: Cancellation or Refund of Erroneous
Taxes and Charges

Transmitted herewith for your approval is legislation approving the cancellation or refund of taxes and charges totaling \$12,333.75.

Due to an error in the sub-division process at the Water Bureau, delinquent water charges were improperly added to 800 E. Main St.

If this cancellation is approved, total cancellations thus far for 2009-10 will be as follows:

	<u>Accounts</u>	<u>Amount</u>
City Council	45	\$371,775.14
Administrative	<u>104</u>	<u>37,047.65</u>
Total	149	\$408,822.79

These cancellations represent .179 % of the taxes receivable as of July 1, 2009.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-13

Ordinance No. 2010-35
(Int. No. 42)

Cancellation Of Taxes And Charges

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City Treasurer is authorized to cancel the following taxes and charges.

February 16, 2010

- (A) Due to an error in the sub-division process at the Water Bureau, delinquent water charges were improperly added to 800 E. Main Street.

<u>S.B.L.#</u>	<u>Class</u>	<u>Address</u>	<u>Tax Year</u>	<u>Amount Canceled</u>
106.74-2-24.1	NH	800 E. Main St	2008	\$ 2,549.85
			2009	4,221.21
			2010	<u>5,562.69</u>
		Grand Total		\$12,333.75

Section 2. If full or partial payment of the aforesaid taxes and charges has been made and received, the City Treasurer is hereby authorized and directed to remit to the owner of the parcel the amount of said payment without interest.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-36

Re: Amendatory Agreement - Gartner,
Inc., Information Technology Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Gartner, Inc., Connecticut, for information technology research and advisory services. The original agreement, authorized in March 2009, established maximum compensation at \$26,950, and expires March 1, 2010. This amendment will increase maximum compensation by \$27,760 for a total of \$54,710, and extend the term for one year. The additional amount will be funded from a year end encumbrance of the 2008-09 Budget of the Information Technology Department.

Gartner, Inc. is a leading independent information technology research firm that provides research and advice on vendors, product technology, and best practices used in the field and in governmental agencies. Gartner's expertise will assist ITD in evolving its general strategy, making recommendations on vendor selection, and the implementation of related best practices within ITD and other City departments. Gartner's services have been used during the last year to provide guidance with the development of negotiation strategies for the ERP back office software purchase and building an internal structure for our Information Services Bureau.

This amendatory agreement will also provide the option for two one-year renewals. The cost of the renewals, \$30,536 and \$33,589, will be funded from the 2010-11 and 2011-12 Budgets of ITD, respectively, contingent upon availability of funds.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-14

Ordinance No. 2010-36
(Int. No. 43)

February 16, 2010
Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Information Technology
Advisory Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$27,760, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement with Gartner, Inc. for information technology research and advisory services. Said amount shall be funded from funds encumbered from the 2008-09 Budget of the Information Technology Department. The agreement may contain two one-year renewal options, not to exceed \$30,536 for the first year and \$33,589 for the second year, for which amounts shall be funded from the annual budgets of the Information Technology Department, contingent upon adoption of said budgets.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Local Law No. 1
Re: Amending the City Charter -
Financial Disclosures

Transmitted herewith for your approval is legislation amending the City Charter to modify the list of City employees required to file annual financial disclosure statements.

The Code of Ethics states that, in general, department, bureau, and division heads are to be included on the list. In addition, other staff who have significant supervisory, policy implementation, and purchasing responsibilities are included.

The list of titles and individuals currently occupying those positions is attached.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-15

Local Law No. 1
(Int. No. 44)

Local Law Amending The City Charter With Respect To Financial
Disclosure Statements

BE IT ENACTED, by the Council of the City of Rochester as follows:

Section 1. Chapter 755 of the Laws of 1907, entitled "An Act Constituting the Charter of the City of Rochester", as amended, is hereby further amended by amending the list of persons required to file financial disclosure statements in Subsection G(1) of Section 2-18, Code of Ethics, by adding the title "Director of Special Projects" after the title "Deputy Mayor"; by deleting the title "Assistant Director of Budget and Efficiency"; by deleting the title "Director of Information Systems" and by inserting in its place the titles "IT Relationship Manager, Back Office", "IT Relationship Manager, Front Office", "IT Relationship Manager, Public Safety", "Business Process Services Manager" and "Applications Services Manager"; by deleting the title "Assistant Director of Operations" and by inserting in its place the title

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“Deputy Director of Operations”; by adding the title “Manager of Administrative Services” after the title “Fleet Service Manager”; by adding the title “Executive Deputy Police Chief” after the title “Chief of Police”; by moving the title “Chief of Security Operations” in the chart to follow the title “Property Clerk” and to be followed by the title “Director, Pathways to Peace”; by adding the title “Director of Fire Administration” after the title “Deputy Fire Chief”; by deleting the title “Lieutenant in charge of Supply Depot” and by inserting in its place the title “Captain in charge of Supply Depot”; by deleting the titles “Deputy Commissioner of Recreation and Youth Services”, “Director of Recreation/Leisure Services” and “Manager of Human Services Planning” and by inserting in their place the titles “Assistant Commissioner/Recreation”, “Assistant Commissioner/Youth Services” and “Manager/Office of Employment Opportunities”; and by adding to the end thereof the titles “Library Director” and “Assistant Library Director III”.

Section 2. This local law shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-37

Re: Agreement - The Ferguson Group,
Federal Lobbying Services

Transmitted herewith for your approval is legislation establishing \$64,000 as maximum compensation for an agreement with The Ferguson Group of Washington, D.C. for federal lobbying services. The term of this agreement will extend through June 30, 2010. The cost of this agreement will be funded from the 2009-10 Budget of the Mayor’s Office.

The Ferguson Group (TFG) has provided federal lobbying services for the City since December 2006; highlights of their work with the City over the past year include:

- Advocated for significant American Recovery and Reinvestment Recovery Act funding for local governments;
- Helped develop strategies for accessing state and federal competitive ARRA funds;
- Worked to obtain \$3.325 million in the FY2009 Omnibus Appropriations Bill, for the following projects:
 - \$950,000 in transportation funding for the rehabilitation of Jefferson Avenue;
 - \$950,000 for infrastructure improvements associated with the Midtown revitalization project;
 - \$750,000 in U.S. EPA funding to implement water quality improvements at Durand Eastman Beach;
 - \$675,000 in Department of Justice funding for crime prevention efforts.
- Helped to prepare, submit, and advocate for the City’s FY 2010 appropriations requests, resulting in the following appropriations:
 - \$1.36 million from DOT for Midtown Transportation Improvements;
 - \$340,900 from HUD for Midtown site preparation;

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- \$600,000 from EPA for the Highland Reservoir;
- \$200,000 from DOJ for the After School Jobs Program;
- \$963,000 from the Army Corps of Engineers for rehabilitation of the Charlotte Pier.
- Arranged for the Economic Development Agency's Northeast Director to travel to Rochester in June to meet with City staff and tour the City's priority economic development projects.

In 2010, TFG will continue to work with the City on the following activities:

- Assist the City in accessing funds from the economic recovery legislation and the new federal jobs bill, to be considered in early 2010;
- Develop and advocate for the City's priority requests for the FY 2011 appropriations process, which begins in early 2010;
- Build relationships with federal agencies and identify federal grant opportunities to support Rochester's priority projects;
- Advocate for the City's priority projects to be included in legislation to reauthorize the nation's surface transportation law, which will be considered by the Congress in 2010 and 2011;
- Advocate for the City's projects to be included in the next version of the Water Resources Development Act.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-16

Ordinance No. 2010-37
(Int. No. 45)

Establishing Maximum Compensation For A Professional Services
Agreement For Federal Lobbying Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$64,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and The Ferguson Group LLC for the provision of Federal lobbying services. Said amount, shall be funded from the 2009-10 Budget of the Office of the Mayor.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-38
Re: Amendatory Agreement - Mercer,

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Inc., Actuary Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Mercer, Inc., Pittsford, NY, to provide additional actuarial services. The original agreement authorized in March 2006, was amended in June of 2006, for total maximum compensation of \$52,500 for a term of three years. This amendment will increase compensation by \$15,500 for a maximum of \$68,000; the additional cost will be funded from the 2009-10 Budget of the Finance Department.

In order to comply with Generally Accepted Accounting Principles (GAAP) the City's annual financial statements must report the accrued liabilities for other post employment benefit (OPEB) based on actuarial analysis. For Rochester, this primarily represents the present value of the City's obligation to pay health insurance premiums for retirees, both current and projected. However, subsequent to the engagement of Mercer, it was recognized that the City also needed to report the accrued liability for the supplemental payments made to more than sixty disabled firefighters. The actuarial valuation of this liability necessitates the additional actuarial services at a cost of \$8,000.

In addition, as a consequence of the recent change in employee health benefits, all employee and retiree health insurance premiums are now for experience-rated plans, rather than community-rated plans. Since actuarial determinations for experience-rated plans require additional analysis, Mercer will charge the City an additional \$7,500 for such work.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-38
(Int. No. 46)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Actuary Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$15,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Mercer Human Resource Consulting, Inc. for the provision of actuary services to comply with financial reporting requirements. Said amount shall be funded from the 2009-10 Budget of the Department of Finance.

Section 2. This ordinance shall take effect immediately.

Passed unanimously

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-39
Re: Agreement - Career Development
Services Outplacement Counseling

Transmitted herewith for your approval is legislation establishing \$72,000 as maximum compensation for an agreement with Career Development Services, Rochester, to provide outplacement services for displaced City employees. The cost of the agreement will be funded from the 2009-10 Undistributed Fund.

Outplacement services will be provided for up to forty displaced employees beginning March 1, 2010. Each employee choosing to use this service will be provided with two months of individual counseling.

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Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-39
Int. No. 64)

Establishing Maximum Compensation For A Professional Services
Agreement For Outplacement Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$72,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Career Development Services for outplacement services for displaced City employees. Said amount shall be funded from the 2009-10 Budget for Undistributed Expense.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-40
Re: Budget Amendment - Reserve for
2% Fund Court Decision

Transmitted herewith for your approval is legislation amending the 2009-10 Budget to reflect a recent court decision regarding the 2% Fire Insurance Fund. This legislation will amend the 2009-10 Budget by transferring a total of \$1,000,000 to the Undistributed allocation to restore a reserve fund created in response to the 2% Fund court decision. The transfers are as follows:

Insurance Reserve	\$ 500,000
Operating Budget, Fire Dept.	215,000
Capital Budget, Fire Dept.	259,000
Contingency	<u>26,000</u>
Total	\$1,000,000

A lawsuit brought by The Rochester Firefighters, Inc., Local 1071 against the City regarding the use of the 2% Fund resulted in a trial court order on October 30, 2009, compelling the City to restore the fund. In order to comply with the order the City must reallocate a total of \$3,878,400 to restore the Fund account.

Ordinance No. 2010-6, as originally submitted by the Administration, provided for the full amount required for the reserve fund. An amendment by Council to address a request from the community for additional information resulted in an appropriation of \$2,878,400 from the Insurance Reserve Fund for this purpose. The current legislation provides for the remaining \$1,000,000.

As explained in the transmittal letter accompanying Ord. No. 2010-6, the Fire Department reductions reflect acceleration of certain operational changes affecting the Charlotte and Gardiner Avenue Firehouses. With the delay in these changes, the savings have been reduced by \$26,000, which will be transferred from Contingency.

Respectfully submitted,
Robert J. Duffy

February 16, 2010

Mayor

Ordinance No. 2010-40
(Int. No. 65)

Amending The 2009-10 Budget For The 2% Reserve Fund

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$215,000 from the Fire Department, \$26,000 from the Contingency allocation and \$259,000 from the Cash Capital allocation to Undistributed Expense, and by increasing the revenue estimates and appropriations to Undistributed Expense by the sum of \$500,000, which amount is hereby appropriated from the Insurance Reserve Fund. Said amounts shall be used to establish a reserve to fund the 2% Fund as a result of a lawsuit brought by The Rochester Firefighters, Inc., Local 1071.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-11
Re: Appointment, Civil Service
Commission

Transmitted herewith for your approval is legislation confirming the appointment of Sally Farrell Partner, 76 Vassar Street, Rochester, 14607, to the Civil Service Commission. She will fill the vacancy created by the resignation of Dennis Kessler, and complete his term through May 31, 2012.

A copy of Ms. Partner's resume is on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-11
(Int. No. 71)

Resolution Approving Appointment To The Municipal Civil Service
Commission

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Sally Farrell Partner, 76 Vassar Street, to the Municipal Civil Service Commission for a term which shall expire on May 31, 2012. Ms. Partner shall replace Dennis Kessler, who has resigned.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

February 16, 2010

By Councilmember Palumbo
February 16, 2010

To the Council:

The Neighborhood & Business Development Committee recommends for Adoption the following entitled legislation:

Int. No. 47 - Authorizing The Sale Of Real Estate

Int. No. 48 - Approving A Loan Agreement For The Mills At High Falls Phase II Project

Int. No. 49 - Approving A Property Tax Exemption and Authorizing An In Lieu Of Tax Agreement For The Mills At High Falls Phase II Project

Int. No. 50 - Approving A Loan Agreement For The Eastman Commons Rental Project

Int. No. 51 - Approving A Property Tax Exemption and Authorizing An In Lieu Of Tax Agreement For The Eastman Commons Rental Project

Int. No. 52 - Authorizing An Agreement For The Marketview Heights/Public Market Focused Investment Strategy Project

Int. No. 53 - Establishing Maximum Compensation For Professional Services Agreements For Appraisal Services

Int. No. 54 - Appropriating Funds For Quadrant Planning And Amending Ordinance No. 2008-294

Int. No. 66 - Resolution Approving Reappointments To The Examining Board Of Plumbers

Int. No. 67 - Resolution Approving Appointment To The Board Of Stationary Engineers And Refrigeration Operators

Int. No. 72 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For GIS Training

Respectfully submitted,

Carla M. Palumbo

Carolee A. Conklin

Dana K. Miller

Lovely A. Warren

Elaine M. Spaul

NEIGHBORHOOD & BUSINESS COMMUNITY DEVELOPMENT COMMITTEE

Received, filed and published.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-41

Re: Sale of Real Estate

Transmitted herewith for your approval is legislation approving the sale of three properties. With the exception of purchasers of unbuildable vacant land, staff has audited City records to ensure that

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purchasers do not own other properties with code violations or delinquent taxes. The records of the Bureau of Inspection and Compliance Services were also audited to ensure that purchasers have not been in contempt of court or fined as a result of an appearance ticket during the past five years.

The first property is a buildable vacant lot being sold by proposal to the adjoining owner. The purchaser will combine the parcel with their adjoining property.

The last two properties are unbuildable vacant lots that are being sold to the adjoining owners for \$1.00. The purchasers will combine each of their parcels with their respective adjoining properties.

The first year projected tax revenue for these three properties, assuming full taxation, current assessed valuations and current tax rates, is estimated to be \$777.

All City taxes and other charges, except water charges, against properties being sold by the City will be cancelled on the first day of the month following adoption of the ordinance because either the City has agreed to convey the properties free of City tax liens and other charges, or these charges have been included in the purchase price.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-17

Ordinance No. 2010-41
(Int. No. 47)

Authorizing The Sale Of Real Estate

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the negotiated sale of the following parcel of vacant land with proposal:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Price</u>	<u>Purchaser</u>
71 Portland Ave	106.57-1-25	40x105	\$425	Edward J. Thomas

Section 2. The Council hereby approves the sale of the following parcels of unbuildable vacant land for the sum of \$1.00:

<u>Address</u>	<u>S.B.L.#</u>	<u>Lot Size</u>	<u>Sq. Ft.</u>	<u>Purchaser</u>
12 Vetter St	106.50-3-32	37x80	3,040	Ella Jean Batten
48 Fourth St	106.67-2-38	35x80	2,800	Thomas & Geneva Pratt

Section 3. City taxes and other City charges, except water charges, against said properties are hereby canceled up to the first day of the month following the date of adoption of this ordinance for the reason that the City has agreed to convey said properties free of City tax liens and other charges.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

February 16, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-42 and

Ordinance No. 2010-43

Re: Mills at High Falls Phase II

Transmitted herewith for your approval is legislation related to the Mills at High Falls Phase II development project. This legislation will:

1. Appropriate \$800,000 in HOME funds from the Rental Housing Fund of the 2009-10 Consolidated Community Development Plan;
2. Authorize a loan of \$800,000 with the Urban League of Rochester Economic Development Corporation (ULREDC) or a subsidiary to be formed for this project;
3. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the project; and
4. Authorize property tax exemptions and a payment-in-lieu-of-tax agreement for the project.

ULREDC recently completed Phase I of the project, which included the construction of 67 mixed-income units and two commercial spaces at 310-312 State Street. Phase II includes the redevelopment of four historic buildings at 368-392 State Street into 21 mixed-income units (10 one-bedroom and 11 two-bedroom units). Eleven units would serve individuals at 60% or less of Area Median Income (AMI) and will be supported by the HOME loan; 10 would serve individuals or families from 61-90% of AMI.

A construction loan financed from Cash Capital was authorized through Ord. No. 2009-307 for stabilizing the structures. An application for HUD Neighborhood Stabilization Program funding, part of which would have been used to repay the Cash Capital loan advance, was not approved. Therefore, the HOME funds will be used and added to the construction/permanent financing for this project. Initially, the City loan will be provided as construction financing with no interest. When converted to permanent financing, it will extend for 30 years, with a 1% interest rate. Annual interest-only payments will be subject to availability of cash flow; payment of any accrued interest and principal will be due in full at the end of the term.

The ULREDC, in conjunction with Edgemere Development, Inc., will undertake the project. The ULREDC has been approved to receive low-income housing tax credits (LIHTC) and Housing Trust Fund financing from the New York State Division of Housing and Community Renewal. The project also qualifies for Historic Rehabilitation Tax Credits from New York State and the National Park Service. The budget is as follows:

Expenses:		Sources:	
Acquisition	\$ 107,000	New York State	\$2,000,000
Soft Costs	453,000	City	800,000
Construction	4,660,526	LIHTC/HTC Equity	<u>4,533,127</u>
Carrying/Financing	759,680	Total	<u>\$7,333,127</u>
Contingency	366,979		
Developer Fee	870,054		
Working Capital	53,888		
Operating Reserve	<u>62,000</u>		
Total	\$7,333,127		

The in-lieu-of-tax agreement would provide a 30-year exemption in consideration for an annual in-lieu-of payment equal to 10% of the project shelter rents (gross rents less utility costs). Construction is expected to begin in April 2010 and be completed by March 2011.

Respectfully submitted,

February 16, 2010

Robert J. Duffy
Mayor

Ordinance No. 2010-42
(Int. No. 48)

Approving A Loan Agreement For The Mills At High Falls Phase II
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or limited liability company formed for the purpose of developing the project, whereby the City shall provide a loan to partially finance the costs of the reconstruction of housing units as a part of the Mills at High Falls Phase II Project. The funding shall initially be provided as an interest free construction loan. Upon completion of construction, the loan may be converted to a 30 year loan with interest at the rate of 1%, payable annually, subject to the availability of cash flow. Payment of the principal and unpaid interest, if any, shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$800,000, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 HOME Program Funds.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-43
(Int. No. 49)

Approving A Property Tax Exemption And Authorizing An In-Lieu-
Of-Tax Agreement For The Mills At High Falls Phase II Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the properties at 368 State Street, SBL No. 106.69-1-38, 370-380 State Street, SBL No. 106.69-1-37.1, 384 State Street, SBL No. 106.69-1-35, and 392 State Street, SBL No. 106.69-1-34, to be owned by the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or housing development fund company formed for the purpose of developing the project, and to be used for housing as a part of the Mills at High Falls Phase II.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the Urban League of Rochester Economic Development Corporation or an affiliated subsidiary or housing development fund company formed for the purpose of developing the project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

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Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-44 and

Ordinance No. 2010-45

Re: Eastman Commons Housing
Development Project

Transmitted herewith for your approval is legislation relating to the development of rental housing at Eastman Commons, located at 1630 Dewey Avenue and 149-161 Palm Street. This legislation will:

1. Appropriate \$573,953 from the Rental Housing account of the Improve the General Housing Stock allocation of the 2009-10 HOME Program;
2. Authorize a loan agreement with Eastman Commons Community Housing Development Fund Corporation, a subsidiary of Eastman Commons Community, Inc.;
3. Authorize a payment in-lieu-of- taxes agreement for the project properties at 1630 Dewey Avenue, and 149-161 Palm Street;
4. Authorize the Mayor to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits for the project.

The Eastman Commons project includes the construction of an 80-unit affordable housing complex for low-income individuals and people with special needs. In addition to the housing units proposed for the site, an array of supportive services will be offered to meet the needs of the residents of the housing development. The project sponsor is Eastman Commons Community Inc. and the project developer is Norstar Development USA, L.P.

All units will be one bedroom. The following amenities will be included: lounge areas on each resident floor to accommodate staff-resident meetings and social interaction space; laundry; office/conference areas for building management, supportive service programming, and operation activities; computer room; multi-purpose room with a kitchen and storage for residents; mechanical and building systems areas; parking for residents, staff, and visitors; landscaped resident patio and garden area; and on-site professional property management including 24-hour attended reception and a security system for the entire complex.

The project will be located at 1630 Dewey Avenue. The sale of a City-owned lot located at 149-161 Palm Street was authorized by City Council in February 2007, and will be combined with the Dewey Avenue parcel.

The New York State Division of Housing and Community Renewal (DHCR) awarded the project low income tax credits (LIHTC), grants from the Housing Trust Fund (HTF) and the Urban Initiative's (UI) Program. The project has also been approved for funding through the Homeless Housing Assistance Program, HHAP.

The total development cost of the project is projected to be \$15,620,918. The Sources and Uses are as follows:

Costs:	Acquisition	\$ 227,800
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Soft costs	1,942,640
Construction	10,609,695
Contingency	539,203
Developer Fees	1,963,730
Working Capital	183,600
Reserves	<u>154,250</u>
Total	\$15,620,918

Sources:	City HOME	\$ 573,953
	HTF	2,400,000
	HHAP	3,000,000
	DHCR UI	100,000
	CoC	300,000
	FHLB	300,000
	LIHTC Equity	8,939,700
	Deferred Dev. Fee	<u>7,265</u>
	Total	\$15,620,918

The City loan will be provided as construction financing at a 0% interest rate. When the loan is converted to permanent financing, the loan will extend for a term of 30 years at an interest rate of one percent (1%). Interest-only payments of 1% will be made annually, subject to availability of cash flow; payment of any accrued interest and principal is due in full at the end of the term. The proposed in-lieu-of tax agreement would provide a 30-year exemption in consideration for an annual in-lieu payment equal to 10% of the project shelter rents (gross rents less utility costs).

The project will create approximately 63 construction jobs and three permanent support service positions. It is anticipated that construction of the project will begin in the spring of 2010 and be completed in the summer of 2011.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-18

Ordinance No. 2010-44
(Int. No. 50)

Approving A Loan Agreement For The Eastman Commons Rental
Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into a loan agreement with the Eastman Commons Community Housing Development Fund Corporation or an affiliated partnership or limited liability company formed for the purpose of developing the project, whereby the City shall provide a loan to partially finance the costs of the construction of rental units as a part of the Eastman Commons Rental Project. The funding shall initially be provided as an interest free construction loan. Upon completion of construction, the loan may be converted to a 30 year loan with interest at the rate of 1%, payable annually, subject to the availability of cash flow. Payment of the principal and unpaid interest, if any, shall be deferred until the end of the term. The Mayor is authorized to adjust the interest rate and other terms and conditions of the loan in order to conform to legal requirements for tax credits or for the Project.

Section 2. The agreement shall obligate the City to pay an amount not to exceed \$573,953, and said amount, or so much thereof as may be necessary, is hereby appropriated from 2009-10 HOME Program Funds.

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Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-45
(Int. No. 51)

Approving A Property Tax Exemption And Authorizing An In-Lieu-
Of-Tax Agreement For The Eastman Commons Rental Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Pursuant to Section 577 of the New York State Private Housing Finance Law, the Council hereby exempts from real property taxes, for a period of 30 years, the properties at 1630 Dewey Avenue, SBL No. 090.34-2-41, and 149-161 Palm Street, SBL No. 090.34-2-42.1, to be owned by the Eastman Commons Community Housing Development Fund Corporation or an affiliated housing development fund company formed for the purpose of developing the project, and to be used for housing as a part of the Eastman Commons Rental Project.

Section 2. The Mayor is hereby further authorized to enter into an in-lieu-of-tax payment agreement for a period of thirty years with the Eastman Commons Community Housing Development Fund Corporation or an affiliated housing development fund company formed for the purpose of developing the project, whereby the owner shall be obligated to make annual tax and in-lieu-of-tax payments to the City of Rochester equal to 10% of its annual "shelter rent". "Shelter rent" shall equal gross rents less utility costs.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-46
Re: Marketview Heights/Public Market
Focused Investment Strategy Project

Transmitted herewith for your approval is legislation establishing \$87,500 as maximum compensation for an agreement with Marketview Heights Neighborhood Association Inc. (MHA) to provide reimbursement grants to businesses participating in New York Main Street projects as part of the Marketview Heights Focused Investment Strategy (FIS). This agreement will be funded from the 2008-09 City Development Fund.

The FIS concentrates a portion of CDBG resources to effect visible, positive changes in specific neighborhoods within three to five years. Through a process that included community input, four FIS areas were approved by Council in August 2008: Beechwood, Dewey/Driving Park, Jefferson Avenue, and Marketview Heights.

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The Main Street program provides grants to stimulate economic revitalization of mixed-use business centers; expand affordable housing opportunities in mixed-use districts; increase the capacity of local government and community based not-for-profit organizations to undertake local community renewal programs; and to market the district to prospective businesses and residents.

MHA has received a Main Street grant of \$443,000 to assist businesses to improve their properties in and near the Public Market and the Marketview Heights FIS area. MHA has secured the commitment of eleven Public Market area businesses to partner with them in this project, and will administer and manage the project. The City funds will provide a portion of the required 50% match for seven participating businesses located within the FIS area.

The participating businesses have submitted proposals to improve the facades of their structures, optimize the service area, and create seven housing units above commercial spaces; businesses have committed to an aggregate matching investment of \$417,500.

MHA will ensure that assisted properties with residential rehabilitation funds comply to make rents affordable to low and moderate income households.

The Marketview Heights/Public Market Focused Investment Strategy Project funding sources are as follows:

New York Main Street project award	\$443,000
Businesses Investment/match	417,500
City of Rochester match	<u>87,500</u>
Total Investment	\$948,000

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-46
(Int. No. 52)

Authorizing An Agreement For The Marketview Heights/Public
Market Focused Investment Strategy Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Marketview Heights Neighborhood Association to provide reimbursement grants to businesses that participate in the New York Main Street Project as part of the Marketview Heights/Public Market Focused Investment Strategy Project.

Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$87,500, and said amount, or so much thereof as may be necessary, shall be funded from the 2008-09 City Development Fund.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

February 16, 2010

Ordinance No. 2010-47
Re: Appraisal Services - Midtown
Revitalization Project

Transmitted herewith for your approval is legislation establishing maximum compensation for agreements for appraisal services in the Midtown Urban Renewal District required for the Midtown Revitalization Project, with the following firms:

Bruckner, Tillet, Rossi, Cahill and Associates	\$7,500
Pogel, Schubmehl & Ferrara	\$10,000

The cost of these agreements will be funded from the 2008-09 Cash Capital allocations for acquisition and development, and for management and operation of the Midtown Plaza properties.

The City is considering the purchase of three properties located at 233, 249-253 and 255 East Main Street. The subject properties are located in the Midtown Urban Renewal District at the southeast corner of the East Main Street and Clinton Avenue intersection. Under Eminent Domain Procedure Law, the City is required to complete two appraisals and pay the higher of the two appraised values for the property.

When the City acquired the adjacent Midtown properties in May 2008, PAETEC had planned to construct their new headquarters building at the southern area of the block on E. Broad Street. In the fall of that year, PAETEC announced that they would prefer to locate their project at the northwest area of the Midtown block at Main and Clinton. Acquisition of the subject properties are required to accommodate the PAETEC project and are identified as acquisition parcels in the amended Midtown Urban Renewal Plan adopted by City Council on November 9, 2009, per Ordinance No. 2009-390.

While these agreements do not meet the threshold required for Council authorization, both firms have other contracts for appraisal services with the City, the combination of which brings both firms over the \$10,000 threshold.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-19

Ordinance No. 2010-47
(Int. No. 53)

Establishing Maximum Compensation For Professional Services
Agreements For Appraisal Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$7,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Bruckner, Tillet, Rossi, Cahill & Associates for appraisal services in the Midtown Urban Renewal District. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. The sum of \$10,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement with Pogel, Schubmehl & Ferrara, LLC for appraisal services in the Midtown Urban Renewal District. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 3. This ordinance shall take effect immediately.

February 16, 2010

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-48
Re: Quadrant Planning and Project
Program

Transmitted herewith for your approval is legislation related to funding the Quadrant Planning and Project Program. This legislation will:

1. Appropriate \$50,000 from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Block Grant; and
2. Amend Ordinance No. 2008-294 to reappropriate a total of \$24,433 for the program.

The 2009-10 Consolidated Community Development Plan/Annual Action Plan identified funding in the amount of \$50,000 for planning and technical assistance to neighborhood and sector groups working with the Quadrant Teams on neighborhood planning and improvement projects.

In August 2008 (Ordinance 2008-294) Council appropriated \$51,500 for the Neighbors Building Neighborhoods Program. Participating organizations were given until December 31, 2009 to expend any program funds. A balance of \$24,433 remains and will be reappropriated for the Quadrant Planning and Project Program.

The Quadrant Planning and Project Program will provide funding for Community Development Block Grant eligible planning, neighborhood promotion, neighborhood beautification and other small neighborhood projects. The NBN program allocated \$5,000 for each sector; any funds remaining from that program have been assigned to the appropriate quadrant.

The total allocation by quadrant is summarized below:

<u>Quadrant</u>	<u>Reallocation</u>	<u>Proposed</u>	<u>Total</u>
Northwest	\$ 5,000	\$10,000	\$15,000
Northeast	10,000	10,000	20,000
Southwest	5,000	10,000	15,000
Southeast	4,433	10,000	14,433
Downtown	<u>0</u>	<u>10,000</u>	<u>10,000</u>
Total	\$24,433	\$50,000	\$74,433

Decisions on which projects to fund will be made by the quadrant teams. The program limits administrative expenses to no more than 9%.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-20

Ordinance No. 2010-48
(Int. No. 54)

Appropriating Funds For Quadrant Planning And Amending
Ordinance No. 2008-294

February 16, 2010

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$24,433, and there is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program the sum of \$50,000, or so much thereof as may be necessary, to fund the Quadrant Planning and Project Program in the following amounts:

<u>Quadrant</u>	<u>Amount</u>
Northwest	\$15,000
Northeast	20,000
Southwest	15,000
Southeast	14,433
Downtown	10,000

Section 2. Ordinance No. 2008-294, relating to an agreement for the Neighbors Building Neighborhoods Program, is hereby amended by reducing the amount authorized and appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program by the sum of \$24,433, which amount is reappropriated herein.

Section 3. The Mayor is hereby authorized to enter into such agreements as may be necessary to implement the Program.

Section 4. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 5. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Resolution No. 2010-12
Re: Reappointments - Examining Board
Of Plumbers

Transmitted herewith for your approval is legislation confirming the reappointment of the following members of the Examining Board of Plumbers:

Richard Benedict - Journeyman
1200 Island Cottage Road
Rochester, New York 14612

Gary Mauro - Master Plumber
3550 Elmwood Avenue
Rochester, New York 14610

Thomas Mann - Chief Inspector of Plumbing
2233 Roosevelt Highway
Hamlin, New York 14469

Robert Morrison - Director of Water
1600 East Avenue #105

February 16, 2010
Rochester, New York 14610

Attached is a description of the duties of the Examining Board of Plumbers, which is dictated by New York State General City Law. By law, board membership must include two employing or master plumbers and one journeyman plumber with no less than ten year's experience. Other members of the Board required by law include the City's chief inspector of plumbing and the Director of Water.

Council confirmed the appointment of William S. Kurtz, Master Plumber, at the January 2010 meeting. The following table provides the date of last reappointment and attendance record for each member.

<u>Name</u>	<u>Last Reappointed</u>	<u>Total Meetings</u>	<u>Meetings Attended</u>
Richard Benedict	2007	36	31
Gary Mauro	2007	36	29
Thomas Mann	2007	36	32
Robert Morrison	2007	36	30

New terms for all four will extend through December 31, 2012. Resumes for appointees are on file with the City Clerk.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-21

Resolution No. 2010-12
(Int. No. 66)

Resolution Approving Reappointments To The Examining Board Of Plumbers

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the reappointments of Gary Mauro, 3550 Elmwood Avenue, Rochester, New York 14610, and Richard Benedict, 1200 Island Cottage Road, Rochester, New York 14612, to the Examining Board of Plumbers for terms which shall expire on December 31, 2012. The Council hereby further approves the reappointments of Robert Morrison, Director of Water, and Thomas Mann, Chief Inspector of Plumbing, to the Examining Board of Plumbers for terms which shall expire on December 31, 2012.

Section 2. This resolution shall take effect immediately.

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Re: Resolution No. 2010-13
Appointment - Board of Examiners
of Stationary Engineers and
Refrigeration Operators

February 16, 2010

Transmitted herewith for your approval is legislation confirming the appointment of Raymond E. O'Dell, 140 Westphal Drive, Hamlin, NY to the Board of Examiners of Stationary Engineers and Refrigeration Operators. Mr. O'Dell will take the place of Frederick Jentons whose term has expired.

Mr. O'Dell's appointment will commence immediately upon approval and shall extend through December 31, 2012.

His resume is on file in the City Clerks Office.

Respectfully submitted,
Robert J. Duffy
Mayor

Resolution No. 2010-13
(Int. No. 67)

Resolution Approving Appointment To The Board Of Stationary
Engineers And Refrigeration Operators

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves the appointment of Raymond E. O'Dell, 140 Westphal Drive, Hamlin, New York, to the Board of Stationary Engineers and Refrigeration Operators for a term which shall expire on December 31, 2012. Mr. O'Dell shall replace Frederick Jentons, whose term has expired.

Section 2. This resolution shall take effect immediately

Adopted unanimously.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-49
Re: Amendatory Agreement - Bergmann
Associates, Geographic Information
Services Training

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Bergmann Associates for additional Geographic Information Systems (GIS) training. The original agreement, authorized by Ordinance No. 2009-266, established \$18,200 as maximum compensation. This amendment will increase compensation by \$19,800 for a total of \$38,000. The additional cost will be funded from the 2009-10 Budgets of the Department of Neighborhood and Business Development (\$9,315), the Department of Environmental Services (\$5,885), and the Rochester Fire Department (\$4,600).

The original agreement was to provide training to 24 City staff who had been assigned to the new Quadrant Teams. The purpose of the training was to ensure that each quadrant team has adequate GIS support for their projects.

The plan was revised to provide training to other City staff who also require GIS support for their projects. The actual number of persons trained was 52.

Bergmann Associates provided certified ESRI software training in ArcGIS Desktop II, ArcGIS Desktop III and Building Geodatabases. The training was completed in January 2010.

Respectfully submitted,

February 16, 2010

Robert J. Duffy
Mayor

Attachment No. AJ-22

Ordinance No. 2010-49
(Int. No. 72)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For GIS Training

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$19,800, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates for Geographic Information Systems training. Of said amount, \$5,885 shall be funded from the 2009-10 Budget of the Department of Environmental Services, \$9,315 shall be funded from the 2009-10 Budget of the Department of Neighborhood and Business Development and \$4,600 shall be funded from the 2008-09 Budget of the Fire Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

By Councilmember Miller
February 16, 2010

To the Council:

The Jobs, Parks & Public Works Committee recommends for Adoption the following entitled legislation:

Int. No. 55 - Establishing Maximum Compensation For A Professional Services Agreement For Port Of Rochester Riverfront Improvements And Amending The 2009-10 Budget

Int. No. 56 - Appropriating Funds For The East Henrietta Road Public Improvement Project And Amending Ordinance No. 2009-429, Relating To The Broad Street Tunnel Project, As Amended

Int. No. 57 - Authorizing Agreements For Move Management Services

Int. No. 68 - Establishing Maximum Compensation For A Professional Services Agreement For The High Falls District Improvement Project

Int. No. 69 - Establishing Maximum Compensation For Agreements For The South Clinton Avenue Conduit Modernization Project

The Jobs, Parks & Public Works Committee recommends for Consideration the following entitled legislation:

Int. No. 58 - Authorizing Amendatory Community Development Program Plans And An Agreement And Amending Ordinances For The New Beginnings Building Deconstruction Transitional Jobs Program

February 16, 2010

Int. No 70 - Bond Ordinance Of The City Of Rochester, New York, Authorizing The Issuance Of \$490,000 Bonds Of Said City To Finance The Additional Cost Of Reconstruction Of The City South Clinton Avenue Water Supply Conduit Located In The Town Of Brighton

Respectfully submitted,
Dana K. Miller
Matt Haag
Loretta C. Scott
Lovely A. Warren
Elaine M. Spaul
JOBS, PARKS & PUBLIC WORKS COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-50
Re: Agreement - Passero Associates,
Port of Rochester, Riverfront Public
Improvements

Transmitted herewith for your approval is legislation establishing \$125,500 as maximum compensation for an agreement with Passero Associates, 100 Liberty Pole Way, for engineering design and resident project representation services for public improvements along the riverfront; and amending the 2009-10 Budget by transferring \$125,500 from Contingency to Cash Capital to fund the agreement.

The project is intended to improve the existing paved and unpaved parking lots located north of the Port Terminal Building and adjacent to the public river walkway. The planned improvements will include development of additional landscaped parking for use by terminal lessees and patrons and the community. Under the proposed agreement, Passero will evaluate programming requirements for the parking lot, drive isles, and other activities including the special events festival site, parking and loading for potential river wall broadside boat dockage, and entrance requirements to the north side of the Terminal Building. Passero will also evaluate and design improvements that may involve relocation/realignment of the easternmost access drive to the Ontario Beach Park parking lots.

Passero Associates was selected to perform the engineering services because of its familiarity with the site and programming needs through its involvement in design of the proposed new Port Public Marina and Mixed Use Redevelopment Project. Passero Associates is the primary sub-consultant to the Edgewater Group, the firm authorized by Council on January 20, 2009 (when it was known as Abonmarche; the firm's name change was noted in an amendment to the agreement in May 2009) to complete 30% design plans for the proposed public marina project. As part of that design project, Passero was asked to develop a concept plan for the existing gravel and paved parking lots at 1000 North River Street to assure that any improvements constructed on this property are compatible with the proposed public marina project. The subject agreement will provide for final design of the public improvements to the existing lots and for inspection services during construction.

Design will begin this winter and be completed to provide for construction in Fall 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-23

Ordinance No. 2010-50

February 16, 2010

(Int. No. 55)

Establishing Maximum Compensation For A Professional Services
Agreement For Port Of Rochester Riverfront Improvements And
Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$125,500, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Passero Associates for engineering design and resident project representation services for parking and public improvements at the Port of Rochester/Genesee Riverfront. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the 2009-10 Cash Capital allocation.

Section 2. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$125,500 from the Contingency allocation to the Cash Capital allocation to fund the agreement authorized herein.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-51

Re: East Henrietta Road Project - ARRA
(South Avenue to Mt. Hope Avenue)

Transmitted herewith for your approval is legislation appropriating \$238,000 from anticipated reimbursements from the Federal Highway Administration to finance part of the federal aid eligible portions of the rehabilitation and reconstruction of East Henrietta Road from Mt. Hope Avenue to South Avenue.

The Project is a City-administered, Federal stimulus-aid project. The work includes pavement rehabilitation or reconstruction; new granite stone curb and under-drain installation; new concrete sidewalks; driveway apron replacements; sewer and water utility relocation; traffic signal equipment relocation and replacement; new pavement markings and signage; and bus stop, street lighting, landscaping, and drainage improvements.

Bids for construction were received on December 23, 2009. The low bid of \$2,017,150.50 was submitted by Gordon J. Phillips, Inc., which is 13% less than the engineer's estimate. An additional \$234,947 will be allocated for project contingencies.

The costs for the categories of work for the project based upon the bid amount are as follows:

<u>Category</u>	<u>Construction</u>	<u>RPR</u>	<u>Contingency</u>	<u>Admin</u>	<u>Total</u>
Federal	\$1,595,582.06	\$220,000.00	\$177,346.94	\$65,071.00	\$2,058,000.00
State	2,787.89	0.00	8,000.00	582.00	11,369.89
City Cash Capital	2,787.89	0.00	8,000.00	0.00	10,787.89
City Water Debt	350,000.00	60,000.00	0.00	0.00	410,000.00
City Water Cash	<u>65,992.66</u>	<u>0.00</u>	<u>41,600.00</u>	<u>0.00</u>	<u>107,592.66</u>
Total	\$2,017,150.50	\$280,000.00	\$234,946.94	\$65,653.00	\$2,597,750.44

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The cost of the project will be financed as follows: \$1,820,000 in anticipated Federal Highway Administration reimbursements (Ord. No. 2009-73); \$11,369 in New York State Marchiselli Aid; \$238,000 in FHA reimbursements (requested herein); \$410,000 in water bond proceeds (Ord. No. 2009-315), \$10,787 in 2004-05 Cash Capital allocations; and a total of \$107,592 in Water Cash Capital allocations from fiscal years 2000-01, 2001-02, 2003-04, 2004-05, and 2006-07. A summary of previous Council actions for this project is attached.

To optimize the efficiency of construction, portions of the Mt. Hope Avenue Phase 1 Improvement Project, scheduled to begin construction this fall, will be constructed as part of the East Henrietta Road Project (funded through the American Recovery and Revitalization Act). The current anticipated reimbursements are from federal sources previously designated for the Mt. Hope Avenue Phase 1 Improvement Project.

Bergmann Associates is providing design and resident project representative (RPR) services for the project. It is anticipated that construction will begin in March 2010 and will be substantially completed by September 2010.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-24

Ordinance No. 2010-51
(Int. No. 56, As Amended)

Appropriating Funds For The East Henrietta Road Public
Improvement Project And Amending Ordinance No. 2009-429,
Relating To The Broad Street Tunnel Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from anticipated reimbursements from the Federal Highway Administration the sum of \$238,000, or so much thereof as may be necessary, to fund the East Henrietta Road Public Improvement Project.

Section 2. Ordinance No. 2009-429, relating to the Broad Street Tunnel Project, is hereby amended by amending the sources of funds for the agreement with FRA Engineering, PC as set forth in Section 1 to read as follows:

Of said amount, \$1,840,000 shall be funded from the appropriation of Federal Highway Administration Funds made in Section 2, \$345,000 shall be funded from the appropriation of State of New York Funds made in Section 3, \$108,712 shall be funded from a bond ordinance adopted for this Project, \$791 shall be funded from the 2007-08 Cash Capital allocation (Water Fund), \$4,983 shall be funded from the 2007-08 Cash Capital allocation, and \$514 shall be funded from the appropriation of anticipated reimbursements from the Monroe County Water Authority made in Section 4.

Section 3. Section 4 of Ordinance No. 2009-429, relating to the Broad Street Tunnel Project, is hereby amended by increasing the maximum amount of the agreement and the amount appropriated from anticipated reimbursements from the Monroe County Water Authority from \$2,950 to \$4,097.

Section 4. This ordinance shall take effect immediately.

Underlined material added.

Passed unanimously.

February 16, 2010

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-52
Re: Agreements - Move Management
Services

Transmitted herewith for your approval is legislation authorizing agreements with the following companies for the provision of move management services related to building renovation projects and employee relocations coordinated by the Department of Environmental Services Bureau of Architecture and Engineering:

<u>Company</u>	<u>Address</u>
LeChase Construction Services	300 Trolley Boulevard, Rochester 14606
Vargas Associates, Inc.	40 Humboldt Street, Rochester 14609

The agreements will be financed from the annual budgets of the Department of Environmental Services and, if necessary, the departments using the services or from capital funds appropriated for specific projects.

The retention of move management services on a term basis is to facilitate upcoming relocations of various units of the Administration, including but not limited to Municipal Parking, Neighborhood Service Centers, and Parks Operations. Move coordination and relocation services will vary by project but may include move plan development, scheduling, communications, inventory, vendor coordination, and administration of project budgets.

In December 2009, the Division of Architectural Services solicited proposals from three firms in addition to proposal posting on the City's web site. The two selected firms were the only respondents; they are recommended based on the variety and availability of services provided, cost for services, qualifications and past experience. These agreements will provide for said services to be provided at specified unit prices. The selection of a consultant will be based on project specific proposals, type of services required, and the ability to perform the services within the time specified by the City.

The agreements will be for a term of two years, with an additional one-year renewal option, and shall obligate the City to pay an amount not to exceed the amount budgeted for each project, which shall be funded from the annual budget or from project appropriations.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-52
(Int. No. 57)

Authorizing Agreements For Move Management Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into agreements with the following companies for move management services for building renovation projects and employee relocations as required by the City:

<u>Organization</u>	<u>Address</u>
LeChase Construction Services	300 Trolley Blvd., Rochester 14606
Vargas Associates, Inc.	40 Humboldt St., Rochester 14609

February 16, 2010

Section 2. The agreements shall extend for a term of two years, with an additional one-year renewal option, and shall obligate the City to pay amounts not to exceed the amount budgeted for each project, which shall be funded from the annual budgets or from project appropriations.

Section 3. The agreements shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-53

Re: Agreement - LaBella Associates,
Engineering Services, High Falls
District Improvement Project

Transmitted herewith for your approval is legislation establishing \$71,000 as maximum compensation for an agreement with LaBella Associates for structural engineering services for the High Falls District Improvement Project. The agreement will be funded with Cash Capital from the 2008-09 year-end budget amendment (Ord No. 2009-268).

Deterioration and weather-related aging of structures within the High Falls District necessitate various investigations, identification, and design of repairs. These structures include: The Raceway at Brown's Race, the Festival Site Wheel Pit, and the Festival Site Gorge Wall.

This project is currently under consideration for a 2009 New York State Office of Parks, Recreation and Historic Preservation Heritage Area System grant for up to \$320,000. Delays in the announcement of the grant, and the priority of the repairs required, necessitate the start of design for portions of the project. Additional design services for unfunded portions of the project will be sought if the grant is awarded.

Proposals for structural and minor mechanical engineering services were solicited from thirteen consultants; five firms responded - FRA Engineering, P.C., Herrick-Saylor Engineering, P.C., LaBella Associates, P.C., Pathfinder Engineers and Architects LLP, and Stantec Consulting Services, Inc. LaBella was selected based on its project approach, prior site experience, and cost.

LaBella will provide engineering services from preliminary design through construction administration for all repairs with the exception of the Festival Site Gorge Wall. The consultant will provide a feasibility study for a long-term anchoring repair plan and cost estimated for the Gorge Wall for future capital planning process.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-25

Ordinance No. 2010-53
(Int. No. 68)

Establishing Maximum Compensation For A Professional Services
Agreement For The High Falls District Improvement Project

February 16, 2010

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$71,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for a professional services agreement with LaBella Associates for structural engineering services for the High Falls District Improvement Project. Said amount shall be funded from the 2008-09 Cash Capital allocation.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-54 and

Ordinance No. 2010-56

Re: South Clinton Avenue Conduit
Modernization Project

Transmitted herewith for your approval is legislation relating to the South Clinton Avenue Conduit Modernization Project. This legislation will:

1. Establish \$100,000 as maximum compensation for an agreement with Rochester Gas & Electric (RG&E) to relocate two of their gas mains within the intersection of South Clinton Avenue and Westfall Road in the Town of Brighton.
2. Authorize an amendatory agreement with Bergmann Associates for additional resident project representation services to increase compensation by \$35,000. The original agreement, authorized in September 2008 established compensation at \$460,000, and was amended in September 2009 for an additional \$405,000. This amendment will increase total maximum compensation to \$900,000.
3. Authorize the issuance of bonds totaling \$490,000 and appropriate the proceeds thereof to finance these agreements and supplement the construction contingency.

This project involves the replacement of the City's two water supply conduits located on South Clinton Avenue, between I-590 and Suburban Court, with a single new conduit. The construction budget, including contingency, is \$4,380,000. Construction was awarded to Villager Construction, Inc. in September 2009. As part of the work, test pits were excavated by Villager to identify potential utility crossing conflicts with the City's new conduit.

Two significant conflicts were identified with existing RG&E gas mains located within the intersection of South Clinton Avenue and Westfall Road. RG&E will relocate a portion of their 8-inch and 12-inch gas mains within this intersection to facilitate installation of the City's new conduit, to be reimbursed by the City. The gas mains are expected to be relocated in spring 2010.

Test pits revealed other conflicts that necessitated a realignment of the proposed conduit and resulted in a substantial change to the traffic control plan. Two-way traffic can no longer be maintained during construction for a significant portion of the project. Alternating one-way traffic is now required. Due to high traffic volumes, construction in this area must now be performed either at night, on weekends or during an abbreviated work day. Test pit information also required extending the limits of pipe replacement by over 200 hundred feet. These, along with other factors, result in an extended construction schedule and increased project costs. The current construction contingency may not be sufficient to complete the work. An additional \$355,000 is requested to supplement the construction contingency. Construction on the overall conduit replacement project will be completed by fall 2010.

February 16, 2010

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-54
(Int. No. 69)

Establishing Maximum Compensation For Agreements For The
South Clinton Avenue Conduit Modernization Project

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$100,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for an agreement with the Rochester Gas & Electric Corporation for the relocation of gas mains for the South Clinton Avenue Conduit Modernization Project. Said amount shall be funded from a bond ordinance adopted for the South Clinton Avenue Conduit Modernization Project.

Section 2. The sum of \$35,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Bergmann Associates, P.C. for construction design and resident project representation services for the South Clinton Avenue Conduit Modernization Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the Project. Said amount shall be funded from a bond ordinance adopted for the South Clinton Avenue Conduit Modernization Project.

Section 3. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-56
(Int. No. 70)

Bond Ordinance Of The City Of Rochester, New York, Authorizing
The Issuance Of \$490,000 Bonds Of Said City To Finance The
Additional Cost Of Reconstruction Of The City's South Clinton
Avenue Water Supply Conduit Located In The Town Of Brighton

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The City of Rochester, in the County of Monroe, New York (herein called "City"), is hereby authorized to finance the additional cost of reconstruction of the City's South Clinton Avenue Water Supply Conduit located in the Town of Brighton (the "Project"). The estimated maximum cost of said class of objects or purposes, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,275,000. The plan of financing includes the issuance of \$490,000 bonds of the City to finance said appropriation, and said amount is hereby appropriated therefor, together with the application of \$4,785,000 bonds appropriated in Ordinance No. 2009-318, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the City in the principal amount of \$490,000 are hereby authorized to be issued, pursuant to the Constitution and laws of the State of New York, including the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), this Ordinance, and other proceedings and determinations related thereto.

Section 3. The City intends to finance, on an interim basis, the costs or a portion of the costs of said improvements for which bonds are herein authorized, which costs are reasonably expected to be

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reimbursed with the proceeds of debt to be incurred by the City, pursuant to this Ordinance, in the amount of \$490,000. This Ordinance is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 4. The period of probable usefulness of the class of objects or purposes described in Section 1 of this Ordinance, within the limitations of 11.00 a. 1. of the Law, is forty (40) years.

Section 5. Each of the bonds authorized by this Ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by an ad valorem tax upon all the taxable real property within the City without limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. Subject to the provisions of this Ordinance and of said Law, and pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals thereof, and of Sections 50.00, 56.00 to 60.00 and 168.00 of said Law, the powers and duties of the City Council relative to authorizing the issuance of any notes in anticipation of the sale of the bonds herein authorized, or the renewals thereof, and relative to providing for substantially level or declining debt service, prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any notes issued in anticipation of the sale of said bonds or the renewals of said notes, as well as to executing agreements for credit enhancement, are hereby delegated to the Director of Finance, as the Chief Fiscal Officer of the City.

Section 7. The validity of the bonds authorized by this Ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such Ordinance are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish a summary of the foregoing Ordinance, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Daily Record," a newspaper published in Rochester, New York, having a general circulation in the City and hereby designated the official newspaper of said City for such publication.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-55
Re: Agreement - Rochester Landscape
Technicians Programs, Inc., Job
Training, Building Deconstruction
Job Training

February 16, 2010

Transmitted herewith for your approval is legislation establishing \$100,000 as maximum compensation for an agreement with Rochester Landscape Technicians Programs, Inc. to administer a job training program to deconstruct City-owned structures targeted for demolition; and amending Consolidated Community Development Plans, and appropriating or re-appropriating funds to create a new account - New Beginnings Building Deconstruction Transitional Jobs Program within the General Community Needs allocation - to finance the cost of the agreement.

The Consolidated Community Development Plan amendments required to transfer a total of \$100,000 from Improving the Housing Stock allocation accounts into the new account are as follows:

<u>Amount</u>	<u>CDBG Plan</u>	<u>Action</u>	<u>Transfer from</u>	<u>Ordinance</u>
\$5,660	1997-98	Re-Appropriate	Rehab of Investment Property	97-280
\$4,950	1999-00	Re-Appropriate	Rehab Rochester Program	99-260
\$4,952	2000-01	Re-Appropriate	Lead Hazard Reduction	04-387
\$2,980	2001-02	Re-Appropriate	Lead Hazard Reduction	03-035
\$154	2002-03	Re-Appropriate	Homesteading/Vacant Grant	03-025
\$1	2002-03	Re-Appropriate	Housing Development Support	02-165
\$8,715	2002-03	Re-Appropriate	Rehab Rochester Program	03-172
\$18,420	2002-03	Re-Appropriate	Residential Assistance Program	02-175
\$1,665	2003-04	Re-Appropriate	Neighborhood Beautification	03-317
\$3	2003-04	Re-Appropriate	Foreclosure Prevention	03-370
\$24,328	2003-04	Re-Appropriate	Lead Hazard Reduction	03-404
\$3,703	2004-05	Appropriate	Rental Housing Fund	
\$1	2004-05	Re-Appropriate	Fair Housing Activities	05-040
\$7	2004-05	Re-Appropriate	Housing Development Support	04-181
\$1	2004-05	Re-Appropriate	Landlord/Tenant Services	04-235
\$43	2004-05	Re-Appropriate	Home Room	04-193
\$2	2004-05	Re-Appropriate	Foreclosure Prevention	04-344
\$3,062	2004-05	Re-Appropriate	Residential Assistance Program	04-186
\$4	2005-06	Re-Appropriate	Fair Housing Activities	05-148
\$4	2005-06	Re-Appropriate	Fair Housing Activities	05-341
\$4	2005-06	Re-Appropriate	Fair Housing Activities	08-214
\$10,190	2005-06	Re-Appropriate	Rehab Rochester Program	05-254
\$4,256	2005-06	Re-Appropriate	Residential Assistance Program	05-146
\$4	2005-06	Re-Appropriate	Foreclosure Prevention	05-340
\$6,891	2005-06	Re-Appropriate	Lead Hazard Reduction	07-067

Rochester Landscape Technicians Programs, Inc. (RLTP) is a not-for-profit workforce development agency. Established in 1991 with one training program specific to horticulture, RLTP has evolved into a broad-based workforce development agency that targets difficult to employ individuals, including the long-term unemployed, high school dropouts, and ex-offenders.

The CDBG funding will support a six-month training program in building deconstruction with the goal of deconstructing 12 City-owned vacant buildings that have been previously identified for demolition. Following the initial six-month period, RLTP expects to be able to independently sustain the program.

Deconstruction is a process in which a building is dismantled piece-by-piece, salvaging what is re-useable and recycling much of the rest. A deconstruction crew will consist of five trainees for a 2-3 month period, with a total of 15 people trained over the six-month period. All participating trainees will be paid the prevailing hourly rate. A crew foreman and an assistant foreman will provide supervision and mentoring to the trainees. In addition, RLTP will hire a deconstruction expert to guide the agency through the first few projects and provide in-house training that focuses on process and construction techniques. All trainees will first complete a 10-hour OSHA safety course before performing any deconstruction work.

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In addition to the deconstruction of the buildings, Rochester Landscape Technicians Programs, Inc. will work with the City to identify useable vegetation and landscape items at these properties. RLTP crews will prepare items such as shrubs, bushes and small trees for transport, which will then be picked-up and delivered for use at other City owned sites.

The goals of the program are:

1. To provide difficult-to-employ young adults with a paid job experience that supplies the structure and skills necessary to retain a future job and be a successful part of the company that may hire them; and
2. In keeping with the City's policy regarding environmental protection, (Res. 2009-14), using a new approach to demolition by salvaging and recycling many of the building components and vegetation that with traditional demolition practice would be trucked to a landfill.

A public hearing on amending the Consolidated Community Development Plans is required.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-55
(Int. No. 58)

Authorizing Amendatory Community Development Program Plans
And An Agreement And Amending Ordinances For The New
Beginnings Building Deconstruction Transitional Jobs Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Council hereby approves amendments to the 1997-98, 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06 Community Development Program Plans whereby a total of \$100,000 will be transferred to new accounts in the General Community Needs allocations for the New Beginnings Building Deconstruction Transitional Jobs Program from the following accounts in the Improving the Housing Stock and General Property Conditions allocations:

<u>Amount</u>	<u>CDBG Plan</u>	<u>Transfer from</u>	<u>Ordinance</u>
\$5,660	1997-98	Rehab of Investment Property	97-280
\$4,950	1999-00	Rehab Rochester Program	99-260
\$4,952	2000-01	Lead Hazard Reduction	04-387
\$2,980	2001-02	Lead Hazard Reduction	03-035
\$154	2002-03	Homesteading/Vacant Grant	03-025
\$1	2002-03	Housing Development Support	02-165
\$8,715	2002-03	Rehab Rochester Program	03-172
\$18,420	2002-03	Residential Assistance Program	02-175
\$1,665	2003-04	Neighborhood Beautification	03-317
\$3	2003-04	Foreclosure Prevention	03-370
\$24,328	2003-04	Lead Hazard Reduction	03-404
\$3,703	2004-05	Rental Housing Fund	
\$1	2004-05	Fair Housing Activities	05-040
\$7	2004-05	Housing Development Support	04-181
\$1	2004-05	Landlord/Tenant Services	04-235
\$43	2004-05	Home Room	04-193
\$2	2004-05	Foreclosure Prevention	04-344
\$3,062	2004-05	Residential Assistance Program	04-186

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\$4	2005-06	Fair Housing Activities	05-148
\$4	2005-06	Fair Housing Activities	05-341
\$4	2005-06	Fair Housing Activities	08-214
\$10,190	2005-06	Rehab Rochester Program	05-254
\$4,256	2005-06	Residential Assistance Program	05-146
\$4	2005-06	Foreclosure Prevention	05-340
\$6,891	2005-06	Lead Hazard Reduction	07-067

Section 2. The ordinances set forth in the chart in Section 1 are hereby amended by reducing the amounts authorized and appropriated therein as set forth in said chart.

Section 3. The Mayor is hereby authorized to enter into an agreement with the Rochester Landscape Technicians Programs Inc. to administer the New Beginnings Building Deconstruction Transitional Jobs Program.

Section 4. The agreement shall obligate the City to pay an amount not to exceed \$100,000, and said amount, or so much thereof as may be necessary, shall be funded from the General Community Needs allocations of the 1997-98, 1999-2000, 2000-01, 2001-02, 2002-03, 2003-04, 2004-05 and 2005-06 Community Development Programs in the amounts transferred in Section 1.

Section 5. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 6. This ordinance shall take effect immediately.

Passed unanimously.

Ordinance No. 2010-56 appears with its transmittal letter and companion legislation on page _____.

By Councilmember McFadden
February 16, 2010

To the Council:

The Public Safety, Youth & Recreation Committee recommends for Adoption the following entitled legislation:

Int. No. 59 - Authorizing An Agreement For An Operation SNUG Grant And Amending The 2009-10 Budget

Int. No. 60 - Authorizing Agreements And Appropriating Funds For The Edgerton Recreation Center Aquatic Facilities And Playground Improvements Project

Int. No. 61 - Establishing Maximum Compensation For An Amendatory Professional Services Agreement For Veterinary Services

Int. No. 62 - Authorizing An Agreement With SWAN For A Neighborhood Recreation Program

Int. No. 63 - Amending The 2009-10 Budget Of The Fire Department For A Homeland Security Grant

Respectfully submitted,

February 16, 2010

Adam C. McFadden
Matt Haag
Jacklyn Ortiz
Lovely A. Warren
Elaine M. Spaul
PUBLIC SAFETY, YOUTH & RECREATION COMMITTEE

Received, filed and published.

TO THE COUNCIL
Ladies and Gentlemen:

Ordinance No. 2010-57
Re: New York State Funding -
Operation SNUG

Transmitted herewith for your approval is legislation authorizing an agreement with New York State for the receipt and use of \$500,000 in funding through the Regional Operation SNUG Program, and amending the 2009-10 Budget of the Department of Recreation and Youth Services to reflect the grant.

Operation SNUG is a statewide initiative to support local law enforcement and anti-violence community groups who steer at-risk citizens away from the culture of gangs and illegal guns. Total statewide funding of \$4 million was included by the NY Senate as part of the FY2009-10 State Budget. Operation SNUG seeks to reduce shootings and killings by implementing a number of core strategies in communities experiencing disproportionately high rates of gun violence over a several year period. The allocation for Rochester was secured through the efforts of Assemblyman David Gantt and Senator Malcolm Smith.

The allocation for Rochester will be used to enhance Pathways to Peace services by adding staff to target dispute related assaults and altercations. Pathways will continue to work in collaborative partnership with local anti-violence community groups and law enforcement to inhibit the proliferation of gangs and illegal guns.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-26

Ordinance No. 2010-57
(Int. No. 59)

Authorizing An Agreement For An Operation SNUG Grant And
Amending The 2009-10 Budget

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the State of New York for funding for Operation SNUG.

Section 2. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 3. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by increasing the revenue estimates and appropriations to the Department of Recreation and Youth Services by the sum of \$500,000, which amount is hereby appropriated from the funds to be received under the grant agreement authorized herein.

February 16, 2010

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-58

Re: Edgerton Recreation Center Project

Transmitted herewith for your approval is legislation related to the Edgerton Recreation Center aquatic facilities and playground improvement project. This legislation will:

1. Appropriate \$495,000 from the 2008-09 and \$200,000 from the 2009-10 Improving the Housing Stock and General Property Conditions allocations of the Community Development Block Grant to finance the costs of the improvements.
2. Authorize an amendatory agreement with Stantec Consulting Services, Rochester, for additional design services. The original agreement, authorized in April 2009, established maximum compensation at \$50,000. This amendment will increase compensation by \$23,000 for a total of \$73,000. The additional amount will be funded from the 2009-10 Cash Capital allocation of the Department of Recreation and Youth Services.
3. Establish \$86,000 as maximum compensation for an agreement with Stantec Consulting Services for resident project representation (RPR) services. The cost of this agreement will be funded from the 2009-10 Cash Capital allocation of the Department of Recreation and Youth Services.

The project includes the installation of a zero-depth water play facility, new play equipment, and associated site improvements at the Edgerton Recreation Center. This will be the first spray park facility in the northwest quadrant. In April 2009, Council authorized an agreement with Stantec Consulting Services (Ord. No. 2009-112) to provide design services for \$400,000 of planned improvements. Since that time, additional Community Block Grant funding has been identified, thus removing the need to phase future improvements. This site was prioritized in part due to its highest participation rates from prior Cool Sweep days.

The amendatory agreement shall provide the additional final design services to design and bid \$800,000 in park improvements. The playground improvement project is identified in the 2008-09 Consolidated Community Development Plan; the aquatic play facility is identified in the 2010 Annual Action Plan.

Stantec Consulting Services was selected to perform RPR services because of its familiarity with the project and the qualifications of the personnel to be assigned to the project.

Construction is planned to begin in March 2010 and completed in July 2010.

Respectfully submitted,
Robert J Duffy
Mayor

Ordinance No. 2010-58
(Int. No. 60)

Authorizing Agreements And Appropriating Funds For The
Edgerton Recreation Center Aquatic Facilities And Playground
Improvements Project

February 16, 2010

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. There is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2008-09 Community Development Program the sum of \$495,000, and there is hereby appropriated from the Improving the Housing Stock and General Property Conditions allocation of the 2009-10 Community Development Program the sum of \$200,000, or so much thereof as may be necessary, to fund the Edgerton Recreation Center Aquatic Facilities and Playground Improvements Project.

Section 2. The sum of \$23,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for an amendatory professional services agreement between the City and Stantec Consulting Services for landscape architectural and mechanical engineering design services for the Edgerton Recreation Center Aquatic Facilities and Playground Improvements Project. The amendatory agreement may extend until six (6) months after completion and acceptance of the construction of the Project. Said amount shall be funded from the 2009-10 Cash Capital allocation.

Section 3. The sum of \$86,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid for a professional services agreement between the City and Stantec Consulting Services for resident project representation services for the Edgerton Recreation Center Aquatic Facilities and Playground Improvements Project. The agreement may extend until three (3) months after completion of a two-year guarantee inspection of the project. Said amount shall be funded from the 2009-10 Cash Capital allocation.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-59

Re: Amendatory Agreement - Stone
Ridge Veterinary Services

Transmitted herewith for your approval is legislation authorizing an amendatory agreement with Stone Ridge Animal Hospital, Greece NY, for additional veterinary services for the Police Department Canine Unit during 2009-10. The original agreement, executed in August 2009, was for \$10,000. This amendment will increase compensation by \$6,000 for a total of \$16,000 for 2009-10. The additional cost will be funded from the 2009-10 Budget of the Police Department.

The consultant provides veterinary services to the dogs assigned to the Canine Unit of the Police Department's Special Operations Division, including examination of new police dogs before they are accepted by the Police Department for duty, immunizations and tests, and medical care as needed.

Stone Ridge has provided satisfactory services to the City for nearly twenty years, and are conveniently located at the intersection of Routes 390 and 104.

Additional services are required by the replacement of three of the eleven dogs in the Canine Unit. In order to fill the three vacancies, five dogs were examined (two did not pass the veterinary exam).

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-59

February 16, 2010

(Int. No. 61)

Establishing Maximum Compensation For An Amendatory
Professional Services Agreement For Veterinary Services

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The sum of \$6,000, or so much thereof as may be necessary, is hereby established as the compensation to be paid by the City for an amendatory professional services agreement with Stone Ridge Animal Hospital for veterinary services for the Canine Unit of the Police Department. Said amount shall be funded from the 2009-10 Budget of the Rochester Police Department.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-60
Re: Agreement - Southwest Area
Neighborhood Association,
Recreation Program

Transmitted herewith for your approval is legislation establishing \$20,000 as maximum compensation for an annual agreement with the Southwest Area Neighborhood Association (SWAN) for the operation of a year-round neighborhood recreation program. The cost of this agreement will be funded from the 2009-10 Budget of the Department of Recreation and Youth Services.

This school year after-school program, located at the James Madison School of Excellence and the adjacent athletic field, serves youth ages 6-15, and operates 10 hours per week for 44 weeks each year. Activities include arts and crafts, gym activities, homework help, team sports, youth development, and computer literacy. The summer program, which runs for 35 hours per week for eight weeks, consists of group games, summer lunch program, field trips, gym activities, and sports. The City and SWAN have collaborated to provide these services for over 20 years.

The term of this agreement is one year with an option to renew for two additional one-year terms subject to the availability of funds.

Respectfully submitted,
Robert J. Duffy
Mayor

Attachment No. AJ-27

Ordinance No. 2010-60
(Int. No. 62)

Authorizing An Agreement With SWAN For A Neighborhood
Recreation Program

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. The Mayor is hereby authorized to enter into an agreement with the Southwest Area Neighborhood Association (SWAN) for a neighborhood recreation program at the Southwest Community Center for a term of one year, with options to renew for two additional one-year terms.

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Section 2. The agreement shall obligate the City of Rochester to pay an amount not to exceed \$20,000 annually, and said amount, or so much thereof as may be necessary, shall be funded from the 2009-10 and subsequent Budgets of the Department of Recreation and Youth Services, contingent upon adoption of subsequent budgets.

Section 3. The agreement shall contain such additional terms and conditions as the Mayor deems to be appropriate.

Section 4. This ordinance shall take effect immediately.

Passed unanimously.

TO THE COUNCIL

Ladies and Gentlemen:

Ordinance No. 2010-61

Re: New York State Office of Homeland
Security, Urban Area Security
Initiative Grant

Transmitted herewith for your approval is legislation related to New York State Office of Homeland Security 2008 Urban Area Security Initiative (UASI) grant funds. Approval to enter into the agreement with NYS for receipt and use of these grant funds was originally authorized by Ordinance No. 2008-390 which appropriated a portion (\$170,900) of the funds in the 2008-09 Fire Department Budget. That portion was allowed to expire due to a delay in receipt of the finalized contract with the NYS Office of Homeland Security and necessary re-programming of the funds. The 2008 funds have now been released requiring the following legislation:

1. Amend the 2009-10 Fire Department Operating Budget to include \$62,900 of the 2008 UASI grant;
2. Amend the 2009-10 Cash Capital allocation of the Fire Department to include \$108,000 of the 2008 UASI grant; and
3. Amend the 2009-10 Cash Capital allocation of the Fire Department by transferring \$200,000 from Contingency.

The Cash Capital amounts will be used as partial funding towards the purchase of a new Hazardous Materials Response Vehicle with an estimated total purchase price of \$750,000. It is anticipated that the balance (\$396,000) of the cost of the specialized vehicle will be available in the 2009 round of UASI funding, which is expected later this calendar year. The transfer from Contingency represents the City's share of the vehicle purchase.

The remaining 2008 UASI funds (\$62,000) will be used to support planning and Hazmat activities.

The activities related to UASI are closely coordinated among the law enforcement and emergency management entities in the City, Monroe County, and outlying counties, creating a regional approach to homeland security.

Respectfully submitted,
Robert J. Duffy
Mayor

Ordinance No. 2010-61
(Int. No. 63)

February 16, 2010

Amending The 2009-10 Budget Of The Fire Department For A
Homeland Security Grant

BE IT ORDAINED, by the Council of the City of Rochester as follows:

Section 1. Ordinance No. 2009-188, the 2009-10 Budget of the City of Rochester, as amended, is hereby further amended by transferring the sum of \$200,000 from the Contingency allocation to the Cash Capital allocation, and by increasing the revenue estimates and appropriations to the Fire Department by the sum of \$62,900 and to the Cash Capital allocation by the sum of \$108,000, which amounts are hereby appropriated from funds to be received from the New York State Office of Homeland Security under the Urban Area Security Initiative Grant Program.

Section 2. This ordinance shall take effect immediately.

Passed unanimously.

The meeting was adjourned at 8:35 p.m.

DANIEL B. KARIN
City Clerk